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July 21, 2022

VIA ECF

The Honorable Robert W. Lehrburger
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 18D
New York, New York 10007

Re: *Hess and Padilla v. Bed Bath & Beyond, Inc.*
Index No. 1:21-cv-4099-AT-RL

Dear Judge Lehrburger:

In light of Plaintiffs' counsel's concession that two-thirds of the putative class members are citizens of New York (see ECF No. 96), Defendant Bed Bath & Beyond, Inc. ("BBB") no longer requires the extension of time it requested, and Your Honor granted, to retain a vendor to provide updated addresses for former employees (see ECF Nos. 93 & 97). However, the BBB representative with decision-making authority with respect to this matter is dealing with a personal emergency. As a result, BBB will not be able to file its consolidated brief in support of its motion to dismiss the Second Amended Complaint and opposition to Plaintiffs' motion for leave to file the Third Amended Complaint by the original deadline (i.e., July 22, 2022). Nonetheless, BBB will endeavor to file its brief as soon as possible, and in no event later than the extended deadline (i.e., August 12, 2022).

Respectfully submitted,

/s/ *Jeffrey H. Ruzal*

Jeffrey H. Ruzal

cc: Steven J. Moser, Esq. (via ECF)